

63-9H-3. Definitions.

As used in the Rural Telecommunications Act of New Mexico [63-9H-1 NMSA 1978]:

- A. "affordable rates" means rates for basic service that promote universal service within a local exchange service area, giving consideration to the economic conditions and costs to provide service in the area in which service is provided;
- B. "basic service" means service that is provided to a rural end-user customer that is consistent with the federal act;
- C. "cable service" means the transmission to subscribers of video programming or other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service;
- D. "commission" means the public regulation commission;
- E. "eligible telecommunications carrier" means an eligible telecommunications carrier as defined in the federal act;
- F. "federal act" means the federal Telecommunications Act of 1996;
- G. "fund" means the state rural universal service fund;
- H. "incumbent local exchange carrier" means a person that:
 - (1) was designated as an eligible telecommunications carrier by the state corporation commission in Docket #97-93-TC by order dated October 23, 1997, or that provided local exchange service in this state on February 8, 1996; or
 - (2) became a successor or assignee of an incumbent local exchange carrier;
- I. "incumbent rural telecommunications carrier" means ~~a~~ an incumbent local exchange carrier that serves fewer than fifty thousand access lines within the state and ~~was has been~~ designated as an eligible telecommunications carrier by the state corporation commission, or the commission; on or before November 1, 1997, including any successor in interest thereto;
- J. "local exchange area" means a geographic area encompassing one or more local communities, as described in maps, tariffs or rate schedules filed with the commission, where local exchange rates apply;
- K. "local exchange service" means the transmission of two-way interactive switched voice communications furnished by a telecommunications carrier within a local exchange area;
- L. "long distance service" means telecommunications service between local exchange areas that originate and terminate within the state;
- M. "private telecommunications service" means a system, including its construction, maintenance or operation for the provision of telecommunications service, or any portion of that service, by a person for the sole and exclusive use of that person and not for resale, directly or indirectly. For purposes of this definition, the person that may use the service includes any affiliates of the person if at least eighty percent of the assets or voting stock of the affiliates is owned by the person. If any other person uses the telecommunications service, whether for hire or not, the private telecommunications service is a public telecommunications service;
- N. "public telecommunications service" means the transmission of signs, signals, writings, images, sounds, messages, data or other information of any nature by wire, radio, lightwaves or other electromagnetic means originating and terminating in this state regardless of actual call routing. "Public telecommunications service" does not include the provision of terminal equipment used to originate or terminate the service; private telecommunications service; broadcast transmissions by radio, television and satellite broadcast stations regulated by the federal communications commission; radio common carrier services, including mobile telephone service and radio paging; or cable service; and

O. "telecommunications carrier" means a person that provides public telecommunications service.

History: Laws 1999, ch. 295, § 3.

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